



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

February 2, 2018

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Ilya Iosilevich**
Tax Registry No. 947778
Quartermaster Section
Disciplinary Case No. 2017-16847

The above named member of the service appeared before Assistant Deputy Commissioner Nancy R. Ryan on November 15, 2017, charged with the following:

DISCIPLINARY CASE NO. 2017-16847

1. Said Police Officer Ilya Iosilevich, while assigned to the 20th Precinct, on or about November 12, 2015, November 27, 2015 and November 28, 2015, wrongfully conducted numerous unofficial inquiries in the Department Computer system.

P.G. 219-14, Page 1, Paragraph 2

DEPARTMENT COMPUTER SYSTEMS

2. Said Police Officer Ilya Iosilevich, while assigned to the 20th Precinct, on or about and between December 1, 2015 and December 31, 2015, after wrongfully conducting numerous unofficial inquiries in the Department Computer system, said officer did thereafter provide his estranged wife [REDACTED] with Arrest Reports and Complaint Reports from said Department computer.

P.G. 219-14, Page 1, Paragraph 3

DEPARTMENT COMPUTER SYSTEMS

3. Said Police Officer Ilya Iosilevich, while assigned to the 20th Precinct, on or about and between December 1, 2015 and December 31, 2015, after wrongfully conducting numerous unofficial inquiries in the Department Computer system, said officer did thereafter retrieve information from the inquiries to contact [REDACTED] and [REDACTED] without any legitimate purpose.

P.G. 219-14, Page 1, Paragraph 2

DEPARTMENT COMPUTER SYSTEMS

4. Said Police Officer Ilya Iosilevich, while assigned to the Quartermaster Section, on or about September 4, 2016, engaged in conduct prejudicial to the good order and efficiency of the Department, to wit, said officer reached into the vehicle of [REDACTED] and grabbed his shirt, causing [REDACTED] annoyance and alarm.

P.G. 219-14, Page 1, Paragraph 2

P.G. 203-10, Page 1, Paragraph 5

**DEPARTMENT COMPUTER
SYSTEMS
PUBLIC CONTACT –
PROHIBITED CONDUCT**

5. Said Police Officer Ilya Iosilevich, while assigned to the 20th Precinct and the Quartermaster Section, on or about and between December 1, 2015 and January 31, 2017, engaged in conduct prejudicial to the good order and efficiency of the Department, to wit, said officer continuously called and sent [REDACTED] unwanted text messages requesting [REDACTED] to stop seeing his estranged wife, [REDACTED] causing them annoyance and alarm. *(As amended)*

P.G. 203-10, Page 1, Paragraph 5

**PUBLIC CONTACT –
PROHIBITED CONDUCT**

6. Said Police Officer Ilya Iosilevich, while assigned to the Quartermaster Section, on or about and between January 26, 2016 and February 16, 2016, did go to Kings County Family Court to obtain an order of protection against [REDACTED] [REDACTED] and did thereafter fail to make a notification to the Department regarding said Order of Protection. *(As amended)*

P.G. 203-10, Page 1, Paragraph 5

P.G. 206-19, Page 3, Additional Data

**PUBLIC CONTACT –
PROHIBITED CONDUCT
ORDERS OF PROTECTION
SERVED ON MEMBERS OF THE
SERVICE**

7. Said Police Officer Ilya Iosilevich, while assigned to the Quartermaster Section, on or about and between August 2, 2016 and August 4, 2016, engaged in conduct prejudicial to the good order and efficiency of the Department, to wit, said officer contacted [REDACTED] and stated in sum and substance, "I don't care anymore. I'm gonna kill somebody, I'm gonna break you and your son's head, I love [REDACTED] I'm gonna kill your son, I just want him to leave [REDACTED] alone." *(As amended)*

P.G. 203-10, Page 1, Paragraph 5

**PUBLIC CONTACT –
PROHIBITED CONDUCT**

In a Memorandum dated January 8, 2018, Assistant Deputy Commissioner Nancy R. Ryan found Police Officer Ilya Iosilevich Guilty after he pleaded Guilty to all Specifications in Disciplinary Case No. 2017-16847. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

I have considered the totality of the circumstances and issues concerning the misconduct for which Police Officer Iosilevich has been found Guilty and deem that separation from the Department is warranted. However, instead of an outright dismissal from the Department, I will permit an alternative manner of separation from the Department for Police Officer Iosilevich at this time.

It is therefore directed that an *immediate* post-trial negotiated agreement be implemented with Police Officer Iosilevich in which he shall immediately file for vested-interest retirement, forfeit thirty (30) suspension days (previously served), forfeit thirty (30) suspension days (to be served), waive all time and leave balances, including terminal leave, waive all suspension days, with and without pay, if any, and be placed on one (1) year dismissal probation.

Such vested-interest retirement shall also include Police Officer Iosilevich's written agreement to not initiate administrative applications or judicial proceedings against the New York City Police Department to seek reinstatement or return to the Department. If Police Officer Iosilevich does not agree to the terms of this vested-interest retirement agreement as noted, this Office is to be notified without delay. This agreement is to be implemented **IMMEDIATELY**.



James P. O'Neill
Police Commissioner



POLICE DEPARTMENT

January 8, 2018

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In the Matter of the Charges and Specifications : Case No.
- against - : 2017-16847
Police Officer Ilya Iosilevich :
Tax Registry No. 947778 :
Quartermaster Section :
-----X-----
At: Police Headquarters
One Police Plaza
New York, New York 10038
Before: Honorable Nancy R. Ryan
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Penny Bluford-Garrett, Esq.
Department Advocate's Office
One Police Plaza
New York, NY 10038

For the Respondent: Michael Martinez, Esq.
Worth, Longworth & London, LLP
111 John Street – Suite 640
New York, NY 10038

To:

HONORABLE JAMES P. O'NEILL
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NEW YORK 10038

Charges and Specifications:

1. Said Police Officer Ilya Iosilevich, while assigned to the 20th Precinct, on or about November 12, 2015, November 27, 2015 and November 28, 2015, wrongfully conducted numerous unofficial inquiries in the Department Computer system.

P.G. 219-14 PG 1 PARA 2 COMPUTERS.

2. Said Police Officer Ilya Iosilevich, while assigned to the 20th Precinct, on or about and between December 1, 2015 and December 31, 2015, after wrongfully conducting numerous unofficial inquiries in the Department Computer system, said officer did thereafter provide his estranged wife [REDACTED] with Arrest Reports and Complaint Reports from said Department computer.

P.G. 219-14 PG 1 PARA 3 DEPARTMENT COMPUTER SYSTEM

3. Said Police Officer Ilya Iosilevich, while assigned to the 20th Precinct, on or about and between December 1, 2015 and December 31, 2015, after wrongfully conducting numerous unofficial inquiries in the Department Computer system, said officer did thereafter retrieve information from the inquiries to contact [REDACTED] without any legitimate purpose.

P.G. 219-14 PG 1 PARA 2 DEPARTMENT COMPUTER SYSTEM

4. Said Police Officer Ilya Iosilevich, while assigned to the Quartermaster Section, on or about September 4, 2016, engaged in conduct prejudicial to the good order and efficiency of the Department, to wit, said officer reached into the vehicle [REDACTED] and grabbed his shirt, causing [REDACTED] annoyance and alarm.

P.G. 219-14 PG 1 PARA 2 COMPUTERS

P.G. 203-10 PG1 PARA 5 PROHIBITED CONDUCT

5. Said Police Officer Ilya Iosilevich, while assigned to the 20th Precinct and the Quartermaster Section, on or about and between December 1, 2015 and January 31, 2017, engaged in conduct prejudicial to the good order and efficiency of the Department to wit: said officer continuously called and sent [REDACTED] unwanted text messages requesting [REDACTED] stop seeing his estranged wife, [REDACTED] causing them annoyance and alarm. *(As amended)*

P.G. 203-10 PG 1 PARA 5 PROHIBITED CONDUCT

6. Said Police Officer Ilya Iosilevich, while assigned to the Quartermaster Section, on or about and between January 26, 2016 and February 16, 2016, did go to Kings County Family Court to obtain an order of protection against [REDACTED] [REDACTED] and did thereafter fail to make a notification to the Department regarding said Order of Protection. *(As amended)*

P.G. 203-10 PG 1 PARA 5 PROHIBITED CONDUCT

P.G. 206-19 PG 3 ADDITIONAL DATA ORDERS OF PROTECTION

7. Said Police Officer Ilya Iosilevich, while assigned to the Quartermaster Section, on or about and between August 2, 2016 and August 4, 2016, engaged in conduct prejudicial to the good order and efficiency of the Department, to wit, said officer contacted [REDACTED] and stated in sum and substance, "I don't care anymore. I'm gonna kill somebody, I'm gonna break you and your son's head, I love [REDACTED] I'm gonna kill your son, I just want him to leave [REDACTED] alone." *(As amended)*

P.G. 203-10 PG 1 PARA 5 PROHIBITED CONDUCT

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on November 15, 2017. Respondent, through his counsel, entered a plea of Guilty to the subject charges.

Respondent testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

As the Respondent pleaded Guilty, I find the Respondent Guilty of the charges.

FINDINGS AND ANALYSIS

Respondent pleaded guilty to all of the charges and testified in an attempt to mitigate the penalty imposed. Respondent's position, in essence, is that all the actions he took, as specified in the charges, were motivated by his desires to protect his young son and to repair his relationship with his wife, from whom he was separated at the time. He has also argued a penalty should be mitigated because none of his actions ever resulted in him being arrested or charged with making false statements.

Respondent testified that he married his wife, [REDACTED] on [REDACTED] They had a son on [REDACTED] In approximately October, 2015, he began to have problems with his marriage when his wife's sister moved into their home. His wife asked him to move out and he did so. Respondent testified that right after moving out he still had a good relationship with his wife. (Tr. 18-21) Approximately a month after he moved out someone told him that his wife was

seeing someone else, who was a drug addict. (Tr. 21) Respondent confronted his wife with this information and she asked him for proof. Since Respondent remembered the license plate number of a car he had seen his wife in, he used the Department computers to look up information based on the plate number. Respondent acknowledged that he made approximately 20 inquiries, accessing some sealed information, to find out who his wife was seeing, where that person lived, and who that person's family was. Respondent, printed out numerous documents including complaint reports and arrest reports he obtained from the Department computers and showed his wife these documents. (Tr. 22-24, 51, 55-56, 60-61) He also contacted the man in question, [REDACTED] and his mother, [REDACTED] on many occasions. He made contact with them by email, phone calls and three in-person meetings. (Tr. 28-31) Respondent testified that the meetings were scheduled by his wife and [REDACTED], and that [REDACTED] mother and father also attended the meetings. He further testified that the purpose of the meetings was to try to work out the situation and the purpose of the text messages was to get them to understand his situation and conclude that they didn't want his wife and son to be with their family. (Tr. 28-31) Respondent testified that his first concern was that his son was with a pedophile or drug addict. (Tr. 23) He testified that at some point after he had moved out of his home, his wife moved out and wouldn't tell him where his son was. (Tr. 61-62)

With regard to Specification 7, Respondent provided information about the circumstances that led him to contact [REDACTED] mother between August 2-4, 2016. He testified that he found out that [REDACTED] had picked up his son from camp and he was upset about this. He called [REDACTED] mother to tell her her son had made physical threats and he had a feeling that one day there would be a physical altercation between them. He further testified that he was trying to prevent such an occurrence and he never meant that he was going to break [REDACTED] head or kill him or kill himself. He believes his words were misinterpreted. (Tr. 34-38, 103-104)

Respondent's explanation of his actions on September 4, 2016, when he confronted [REDACTED] while [REDACTED] was sitting in a car is that he came across [REDACTED] by chance as he was going to a barbecue on the same block where [REDACTED] lived. He approached the car to tell [REDACTED] that Respondent and his wife were trying to reconcile and [REDACTED] needed to stay away from his wife and his son. He also was asking [REDACTED] to return property that he believed belonged to him. Respondent testified that he reached into the car and grabbed¹ [REDACTED] shirt to get his attention. (Tr. 38-40, 114-15, 119) Respondent acknowledged that he was at [REDACTED] car for four minutes. (Tr. 119) During that time, Respondent testified that the [REDACTED] called his wife on their phone and gave it to him to speak to his wife. (Tr. 121) A video showing Respondent at the car was admitted into evidence. (Dep't. Ex. 2)

On cross-examination, Respondent's recollection was refreshed with a reading of a transcript from his January 18, 2017 GO-15 interview, that prior to August 4, 2016, he was advised to have "less interactions with them [REDACTED] as possible" by a high ranking member of the Department. (Tr. 100-102)²

With regard to Specification 6, Respondent testified that after he got an order of protection against [REDACTED] he went to his precinct and was told there was no need to notify the Department about obtaining the order. Respondent was under the impression that he only had to make an official Department notification if someone got an order of protection against him. He now realizes that he has to report any orders of protection he obtains against others. (Tr. 32-34)

Respondent testified that he is going through a "very somewhat amicable divorce" from his wife right now and that she is no longer involved with [REDACTED]. Respondent further testified

¹ Respondent twice testified he either pointed or grabbed at [REDACTED] but ultimately, in response to a direct question from his counsel, testified he was guilty of grabbing [REDACTED] shirt that day.

² Respondent later in his cross-examination said that it was in January, 2017, that he was asked to stay away from the [REDACTED] but his counsel agreed that the Department's reading from the January 18, 2017, transcript was what was said during that interview. (Tr. 116-17)

that he has learned his lesson from these charges and is just hoping the Department gives him another chance. (Tr. 40-42)

PENALTY RECOMMENDATION

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on July 21, 2008. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Department in this case has asked that Respondent's employment with the Department be terminated. Counsel for Respondent has acknowledged that Respondent's misconduct in this case calls for a serious penalty to include the loss of either vacation or suspension days, or both, and, notably, a period of dismissal probation. (Tr. 131) I have reviewed cases where such lesser penalties have been imposed and find that they are not applicable to the misconduct at hand. See *Disciplinary Case [REDACTED]*. -Eleven-year police officer with no prior formal disciplinary history negotiated a penalty of 25 vacation days for (i) improperly sending inappropriate text messages to a complainant, (ii) wrongfully using Department resources for a non-Department or non-city purpose by conducting an unauthorized and undocumented investigation into the improper posting of an online video, and (iii) wrongfully utilizing a Department computer to conduct database queries unrelated to Department business; See also *Disciplinary Case [REDACTED]* - Twenty-three year sergeant with one prior adjudication negotiated a penalty of 20 vacation days for (i) wrongfully utilizing a Department database on two occasions for non-Departmental purposes, (ii) improperly using a Department database to obtain the personal information of an individual and contacting the individual for non-Departmental purposes, (iii) failing to make entries in the Movement Log detailing his movements during his tour, and (iv) failing to

maintain his Activity Log, as required; *See also Disciplinary Case No. 2016-15552*, signed January 23, 2017 - One-year probationary police officer with no prior disciplinary history negotiated a penalty of 30 vacation days and one year dismissal probation for (i) utilizing a Department computer database to make an inquiry unrelated to the official business of the Department, and (ii) going to the home of an individual and engaging in a verbal dispute regarding a motor vehicle accident).

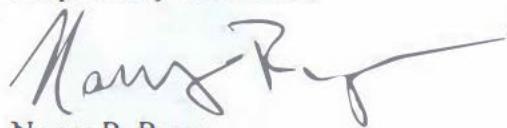
I agree with the Department's request that Respondent's employment be terminated. Respondent's case can be distinguished on several grounds from cases such as those cited involving the wrongful use of Department computers which resulted in the lesser penalty of the loss of vacation days. First of all, Respondent accessed the Department computers to make a significant number of unofficial inquiries. Respondent admitted to making approximately 20 separate inquiries. In addition, these inquiries did not just take place at one time. Respondent made the decision to wrongfully access information on three separate days, as detailed in Specification 1. This was not merely a one-off lapse of judgment. A second distinguishing factor is that Respondent gave the information, including actual Arrest Reports and Complaint Reports, to a civilian. Complaint and Arrest Reports contain very sensitive information including personal data that under no circumstances should be given to someone who has no lawful purpose in having that information. The third and perhaps most significant distinguishing factor is that Respondent used the information to not only contact civilians, but to make contacts that were alarming. In one contact Respondent actually threatened to kill [REDACTED] [REDACTED] One can only imagine how alarming it would be to have someone who is a police officer, who one would expect to have access to a gun, threaten to kill [REDACTED] Also, it must be noted Respondent did not just make a single contact, but chose to make these contacts with the two people over an extended period of time from December 1, 2015, to January 31, 2017. And a final factor to be

considered is that Respondent went beyond just making phone calls and texts to the two people he identified through his misuse of the Department computer, in that he confronted them in face to face contacts. One of these contacts resulted in Respondent actually physically grabbing [REDACTED]

While it is understandable that a parent would be concerned about adults their child was having contact with, Respondent, as he now acknowledges, had other lawful and appropriate means, such as going to family court, to address these concerns. Respondent, instead of pursuing these lawful means, engaged in an extended period of contacts which included a threat to kill someone and a physical confrontation. Also, while Respondent testified that he has learned his lessons from these charges and should be given another chance, the court is troubled by what appears to be Respondent's failure to fully accept the wrongful nature of his misconduct. While Respondent did plead guilty to all the charges, his testimony, particularly with regard to the words he spoke to Irina as outlined in Specification 7, and his vacillation on whether he grabbed [REDACTED] or merely pointed at him, indicate to the court that Respondent, rather than appreciating the wrongful nature of his conduct was still attempting to downplay what in reality were significant threatening acts.

Based on the above and a review of Respondent's disciplinary history, I recommend that Respondent be DISMISSED from the New York City Police Department.

Respectfully submitted,


Nancy R. Ryan
Assistant Deputy Commissioner Trials





POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner - Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER ILYA IOSILEVICH
TAX REGISTRY NO. 947778
DISCIPLINARY CASE NOS. 2017-16847

Respondent was appointed to the Department on July 21, 2008. On his last three annual performance evaluations, he received a 4.0 overall rating of "Highly Competent" in 2017 and 3.5 "Highly Competent/ Competent" ratings in 2014 and 2015.

[REDACTED]

[REDACTED]

In 2013, Respondent forfeited 30 vacation days and was placed on one-year dismissal probation for misconduct that was the subject of two separate disciplinary cases. In the first matter, he pled guilty to failing to maintain constant observation over a hospitalized prisoner after being observed sleeping in a recliner in a prisoner's hospital room. In the second case, Respondent again pled guilty to failing to maintain constant observation over a hospitalized prisoner after a supervisor observed him with his eyes closed for several minutes inside a prisoner's hospital room and to failing to wear a protective vest in the hospital room, while in uniform and outside a Department facility, as required.

Respondent also has a history of Department monitoring. From October 8, 2012 to June 4, 2013, he was placed on Level 2 Performance Monitoring for having two below standard evaluations. More recently, on May 9, 2016, he was placed on Level 1 Discipline Monitoring, which was upgraded to Level 2 Discipline Monitoring on May 16, 2017 in connection with the instant charges and specifications. Respondent remains on Level 2 Discipline Monitoring to date.

For your consideration.

Nancy R. Ryan
Assistant Deputy Commissioner - Trials